

# REMARKS

Reconsideration is respectfully requested. Claims 1 and 3-26 are present in the application. Claim 1 is amended herein to incorporate claims 2 and 3 therein. Claims 2 and 3 are canceled. Claim 12 is amended to add a comma "," at the end of one clause therein.

Claims 1-2, 4-10, 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shimazaki (US 6204873) in view of Ikeshoji (US 6088479).

Applicants respectfully traverse.

Applicants respectfully submit that the Examiner's position with regard to what Shimazaki teaches is not sustainable. In the rejection, page 4, of the office action, the Examiner states that the image processing unit of Shimazaki has a function of cutting out a background portion of the image.

Applicants respectfully disagree with this interpretation. There is no such teaching in Shimazaki. Shimazaki merely refers to the background as being the portion where the color charts are not printed. Shimazaki is not determining where the background is by processing an input image - instead the background is simply the portion where the color charts are not printed.

Ikeshoji et al (US 6,088,479) does show, as the Examiner notes, in FIG. 5, that a different background can be supplied and merged with the foreground images. Ikeshoji et al does mention

that the concept of removing a spot or stain 40 can be applied to photographs.

However, what is absent from these documents, in teaching and suggestion, whether considered alone or when combined, and what is taught by applicants, is cutting out the background and effecting a color specification for the cut out background. Further, the concept of the output unit recognizing the background portion on basis of the color specification specified by the image processing unit and carrying out the background processing on the basis of the specified method of processing the background portion is absent from the cited documents relied on.

It is therefore submitted that the document combination of Shimazaki in view of Ikeshoji, neither teaches nor suggests what applicants claim.

Claims 3, 11 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shimazaki in view of Ikeshoji and further in view of Fujima (US 5142355).

Applicants respectfully traverse.

The reasoning above applies to these claims (claims 11 and 14, claim 3 having been canceled). Fujima adds nothing that overcomes the lack of teaching and suggestion of Shimazaki and Ikeshoji.

Claims 15, 16, 19, 20, 23 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shimazaki in view of Ikeshoji and further in view of Yang (US 5933380).

Applicants respectfully traverse.

The reasoning above applies to these claims. Yang adds nothing that overcomes the lack of teaching and suggestion of Shimazaki and Ikeshoji.

Claims 17, 18, 21, 22, 24 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shimazaki in view of Yang (US 5933380).

Applicants respectfully traverse.

The reasoning above applies to these claims. Yang adds nothing that overcomes the lack of teaching and suggestion of Shimazaki.

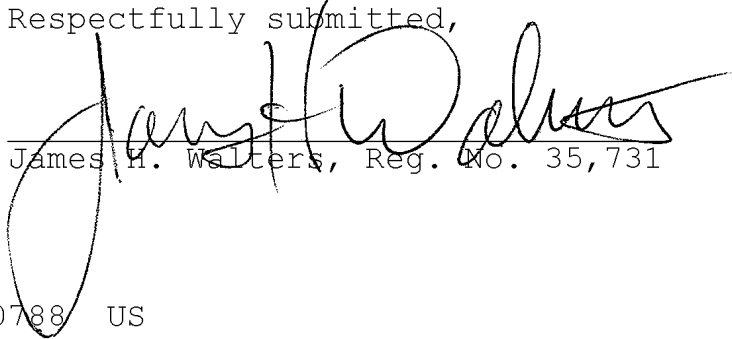
In general, applicants' claims' background processing is especially effective for printing an image of a human, and accordingly, applicants' claims provide advantages over the prior art not taught or suggested, and therefore should be allowable.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

It is believed that no further fees are due with this filing in that the required fees are being submitted herewith. However, if additional fees are required to keep the application pending, please charge deposit account 503036. If fee refund is owed, please refund to deposit account 503036.

Appl. No. 09/648,590  
Amdt. dated October 17, 2007  
Reply to Office action of April 17, 2007

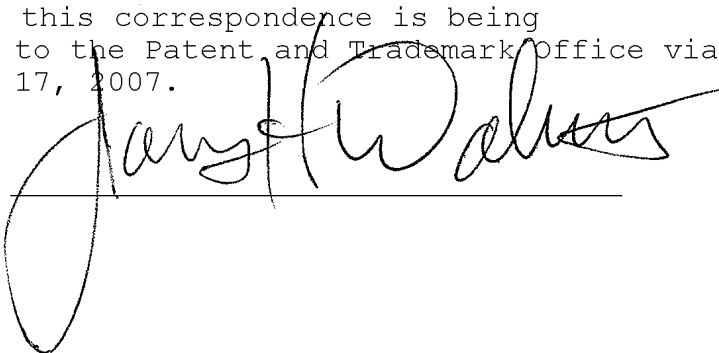
Respectfully submitted,

  
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